

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GABRIEL NAVARRO, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

REALPAGE, INC.; GREYSTAR REAL
ESTATE PARTNERS, LLC; CUSHMAN &
WAKEFIELD, INC.; PINNACLE PROPERTY
MANAGEMENT SERVICES, LLC; BH
MANAGEMENT SERVICES, LLC; CAMPUS
ADVANTAGE, INC.; CARDINAL GROUP
HOLDINGS LLC; CA VENTURES GLOBAL
SERVICES, LLC; D.P. PREISS COMPANY,
INC.; THE MICHAELS ORGANIZATION,
LLC and INTERSTATE REALTY
MANAGEMENT COMPANY,

Defendants.

No. 2:22-cv-01552-RSL

STIPULATED MOTION AND
[PROPOSED] ORDER
SUSPENDING DEADLINE FOR
CERTAIN DEFENDANTS TO
RESPOND TO COMPLAINT

NOTE ON MOTION CALENDAR:
11/25/2022

1 Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiff Gabriel Navarro
2 (“Plaintiff”) and Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Cushman &
3 Wakefield, Inc., Pinnacle Property Management Services, LLC, BH Management Services,
4 LLC, Campus Advantage, Inc., and Cardinal Group Holdings LLC (collectively, the
5 “Stipulating Defendants”), by and through their respective counsel,¹ hereby stipulate as
6 follows:

7 WHEREAS, Plaintiff filed a Class Action Complaint (the “Complaint”) on November
8 2, 2022. ECF No. 1.

9 WHEREAS, Plaintiff has served the Stipulating Defendants with process on or about
10 November 9 and 10, 2022.

11 WHEREAS, Plaintiff has filed Affidavits of Service of Summons and Complaint on CA
12 Ventures Global Services, LLC, D.P. Preiss Company, Inc., The Michaels Organization, LLC,
13 and Interstate Realty Management Company (collectively, the “Non-Stipulating Defendants”).
14 ECF Nos. 6, 8, 10, 12–13.

15 WHEREAS, Plaintiff and the Stipulating Defendants are not aware whether the Non-
16 Stipulating Defendants are yet represented by counsel, and, in any event, have not yet heard
17 from Non-Stipulating Defendants.

18 WHEREAS, the Complaint in this matter asserts claims under Section 1 of the Sherman
19 Act based on the alleged use of RealPage, Inc.’s software for the student leasing market.

20 WHEREAS, as of this filing, the parties are aware that one or more of the Stipulating
21 Defendants are named in multiple other lawsuits, in other District Courts in California, Illinois,
22 and New York, asserting claims under Section 1 of the Sherman Act based on the alleged use
23 of RealPage, Inc.’s software.

25 ¹ RealPage, Inc., Greystar Real Estate Partners, LLC, Cushman & Wakefield, Inc., Pinnacle Property Management
26 Services, LLC, Campus Advantage, Inc., and Cardinal Group Holdings LLC are still in the process of retaining
27 local counsel for this action and have been represented by national counsel listed in the signature block below in
conferences with Plaintiff’s counsel.

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1 WHEREAS, Plaintiff and the Stipulating Defendants have conferred telephonically and
2 by electronic mail, and have agreed that party and judicial efficiency would be best served by
3 suspending, for a short period of time, the deadline for the Stipulating Defendants to answer,
4 move to dismiss, or otherwise respond to the Complaint.

5 WHEREAS, Plaintiff and the Stipulating Defendants have agreed to meet and confer
6 and file a status report with the Court by December 19, 2022 related to a schedule for the case.

7 WHEREAS, Plaintiff anticipates that Plaintiff will propose a Rule 12 briefing schedule
8 in the status report for the litigation that Plaintiffs think will efficiently and expeditiously move
9 the case forward.

10 In making this stipulation, the Stipulating Defendants do not waive, in this or any other
11 action, any (i) defenses or arguments for dismissal that may be available under Fed. R. Civ. P.
12 12; (ii) affirmative defenses under Fed. R. Civ. P. 8; (iii) other statutory or common law
13 defenses that may be available; or (iv) right to seek or oppose any reassignment, transfer, or
14 consolidated alternatives. The Stipulating Defendants expressly reserve their rights to raise any
15 such defenses (or any other defense) in response to either the Complaint or any original,
16 amended, or consolidated complaint that may be filed in this or any other action.

17 THEREFORE, Plaintiff and the Stipulating Defendants stipulate and agree to suspend
18 the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to
19 the Complaint and request that the Court enter the subjoined order pursuant to this stipulation.
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21 STIPULATED to this 25th day of November, 2022.
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27 STIPULATED MOTION AND [PROPOSED] ORDER SUSPENDING DEADLINE FOR CERTAIN
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1 s/ Rio S. Pierce

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13 *Counsel for Plaintiff Gabriel*
14 *Navarro, Individually and on Behalf of All*
15 *Others Similarly Situated*

16 **National Counsel Participating in Meet and**
17 **Confer:**

18 s/ Marisa Secco Giles

19 Marisa Secco Giles (*pro hac vice* forthcoming)
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21 200 West 6th Street, Suite 2500
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23 Jason M. Powers (*pro hac vice* forthcoming)
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27 *Counsel for Defendant Campus Advantage, Inc.*

28 s/ Jeremy J. Calsyn

29 Jeremy J. Calsyn (*pro hac vice* forthcoming)
30 Leah Brannon (*pro hac vice* forthcoming)
31 Kenneth Reinker (*pro hac vice* forthcoming)
32 CLEARY GOTTlieb STEEN & HAMILTON LLP
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35 s/ Emily Brubaker Harris

36 Emily Brubaker Harris (WSBA No. 35763)
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40 *Counsel for Defendant BH Management*
41 *Services, LLC*

42 s/ Stephen Weissman

43 Stephen Weissman (*pro hac vice*
44 forthcoming)
45 Michael J. Perry (*pro hac vice* forthcoming)
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59 *Counsel for Defendant RealPage, Inc.*

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1 **[PROPOSED] ORDER**

2 THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the
3 Deadline for certain Defendants to Respond to the Complaint. Now therefore,

4 IT IS HEREBY ORDERED THAT:

5 The deadline for Defendants RealPage, Inc., Greystar Real Estate Partners, LLC,
6 Cushman & Wakefield, Inc., Pinnacle Property Management Services, LLC, BH Management
7 Services, LLC, Campus Advantage, Inc., and Cardinal Group Holdings LLC to answer, move
8 to dismiss, or otherwise respond to the Complaint is hereby suspended.

9 Plaintiff and RealPage, Inc., Greystar Real Estate Partners, LLC, Cushman &
10 Wakefield, Inc., Pinnacle Property Management Services, LLC, BH Management Services,
11 LLC, Campus Advantage, Inc., and Cardinal Group Holdings LLC shall meet and confer and
12 file a status report with the Court by December 21, 2022.

13 DATED this ____ day of _____, 2022.

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15 _____
16 The Honorable Robert S. Lasnik
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Presented by:

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7 *Services, LLC*

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CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

DATED this 25th day of November, 2022.

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